

Title 22: HEALTH AND WELFARE
Chapter 851: GENERAL PROVISIONS

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Subtitle 3. INCOME SUPPLEMENTATION

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Maine Revised Statutes
Title 22: HEALTH AND WELFARE
Chapter 851: GENERAL PROVISIONS

§3101. INVESTIGATION OF SYSTEM OF PUBLIC CHARITIES

The Department of Health and Human Services shall investigate and inspect the whole system of public charities in the State which derive their support wholly or in part from state, county or municipal appropriations but not including any institution of a purely educational or industrial nature. [1975, c. 293, §4 (AMD); 2003, c. 689, Pt. B, §6 (REV).]

SECTION HISTORY

1975, c. 293, §4 (AMD). 2003, c. 689, §B6 (REV).

§3102. TRANSFER OF PAUPERS AND PUBLIC ASSISTANCE RECIPIENTS BETWEEN STATES

The department shall have authority to enter into reciprocal agreements with corresponding agencies of other states, and to arrange with their local or county boards for the acceptance, transfer and support of persons going from one state to another and becoming public charges and to continue payments of public assistance until eligibility to receive assistance under a similar program has been established in the other state and the first payment from the other state has been received by such recipient. Such reciprocal agreements shall in no way commit the State to support persons who are not, in the opinion of the department, entitled to support under the laws of this State.

§3103. INFORMATION UPON REQUEST

The commissioner shall give to the Governor or to the Legislature or any committee thereof at any time upon their request information and advice with reference to any charitable or correctional institution about which he has information. The officers in charge of any institution of a charitable or correctional nature under the inspection of the department and local boards or committees having any powers or duties relative to the management of the same, and those who are in any way responsible for the administration of public funds used for the relief or maintenance of the poor, shall furnish to the department such information and statistics as may be demanded on such forms as the department may consider necessary to secure uniformity and accuracy in the statements. [1975, c. 771, §223 (AMD).]

SECTION HISTORY

1975, c. 771, §223 (AMD).

§3104. STATEWIDE FOOD SUPPLEMENT PROGRAM

1. Program required. The department shall:

A. Administer a statewide program in accordance with the related requirements and regulations of the United States Department of Agriculture, the United States Department of Health and Human Services and the United States Department of Education; and [2009, c. 291, §2 (AMD).]

B. Cooperate with and participate in the administration of food distribution programs in conformity with regulations promulgated by the United States Department of Agriculture. [1977, c. 462, (NEW).]

[2009, c. 291, §2 (AMD) .]

2. Costs.

[1981, c. 703, Pt. A, §21 (RP) .]

3. Authorization of emergency food stamp benefits prior to full verification.

[2009, c. 291, §2 (RP) .]

3-A. Authorization of emergency food supplement benefits prior to full verification. Whenever an applicant for benefits under the food supplement program states to the department that the applicant is in need of immediate food assistance, the department shall, pending verification, issue and mail an electronic benefits transfer card authorizing the applicant to purchase food at the time of the department's initial interview with the applicant or within one working day of the interview, as long as all of the following conditions are met.

A. As a result of the initial interview with the applicant, the department must have determined that the household of the applicant will probably be eligible for food supplement program benefits after full verification is completed. [2009, c. 291, §2 (NEW) .]

B. When possible, the applicant shall submit to the department, at the time of the initial interview, adequate documentation to verify that the applicant is in need of immediate food assistance. [2009, c. 291, §2 (NEW) .]

C. When adequate documentation is not available at the time of the initial interview, the department shall contact at least one other person for the purpose of obtaining information to confirm the applicant's statements about the applicant's need for immediate food assistance. [2009, c. 291, §2 (NEW) .]

The authorization to receive food supplement program benefits under this section may not exceed 30 days from the date that the applicant receives the authorizing card. Additional food supplement program benefits may not be issued to the applicant's household until full verification has been obtained that confirms the eligibility of the household.

[2009, c. 291, §2 (NEW) .]

4. Mail issuance of coupons.

[2009, c. 291, §2 (RP) .]

4-A. Electronic benefits transfer system. The department shall operate a system of issuance of food allotments through an electronic benefits transfer system as authorized by and in conformity with regulations promulgated by the United States Department of Agriculture.

[2009, c. 291, §2 (NEW) .]

5. Outreach. It is the intent of the Legislature that the department fully carry out all outreach activities established by federal regulation to encourage the participation of all eligible households.

In carrying out its outreach activities, the department shall insure that all applicants and recipients are informed of their right to have the requirement for a face-to-face interview waived as provided by federal regulations.

[1979, c. 386, (NEW) .]

6. Bilingual requirements.

[2009, c. 291, §2 (RP) .]

7. Verification of information. The department shall establish and implement uniform verification procedures that will be applied to all applicants and recipients.

[1979, c. 386, (NEW) .]

8. Certification periods. Households must be certified for a 12-month period unless there is a likelihood of change in income or household status.

[2009, c. 291, §2 (AMD) .]

9. Information on notice to recipients. All notices of denial, reduction of benefits, termination of benefits, fraud claims, nonfraud claims or other actions must contain information on the appeal procedure, and the availability of free legal representation in the geographic area and must include, at a minimum, the address and telephone number for these services.

[2009, c. 291, §2 (AMD) .]

10. Supplemental monthly issuance. Whenever a household receiving benefits through the food supplement program informs the department of a change in circumstances that will result in an increase in its food supplement benefit, the department shall issue a supplemental allotment to that household for the month in which the change is reported. The supplemental allotment must represent the difference between the amount for which the household was originally certified in that month and the amount for which it is actually eligible as a result of its reported change in circumstances.

The department shall issue that supplemental allotment within 5 working days of the date that the change in circumstances was reported.

[2009, c. 291, §2 (AMD) .]

11. Food supplement program overpayment recovery. Any money recovered by the department as a result of the overpayment of food supplement benefits must be deposited to the General Fund, including any money up to a maximum of \$81,475 recovered prior to March 14, 1991.

[2009, c. 291, §2 (AMD) .]

12. Penalty. The unauthorized issuance, redemption, use, transfer, acquisition, alteration or possession of coupons or other program access device, including an electronic benefits transfer card, may subject an individual, partnership, corporation or other legal entity to prosecution by the State in accordance with Sections 15 (b) and 15 (c) of the federal Food Stamp Act of 1977 and the federal Food and Nutrition Act of 2008. Penalties are in accordance with those outlined in federal law or regulations. A person who knowingly engages in trafficking in benefits as defined by 7 Code of Federal Regulations, Section 271.2 commits a Class D crime.

[2011, c. 687, §10 (AMD) .]

13. Categorical eligibility. The department shall adopt rules that maximize access to the food supplement program for households in which there is a child who would be a dependent child under the Temporary Assistance for Needy Families program but that do not receive a monthly cash assistance grant from the Temporary Assistance for Needy Families program. Under rules adopted pursuant to this subsection, certain of these families must be authorized to receive referral services provided through the Temporary Assistance for Needy Families block grant and be categorically eligible for the food supplement program in accordance with federal law. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

[2015, c. 1, §20 (COR) .]

14. Prohibition against denial of assistance based on drug conviction. A person who is otherwise eligible to receive food assistance under the federal Food Stamp Act of 1977, 7 United States Code, Sections 2011 to 2036 and under the federal Food and Nutrition Act of 2008 may not be denied assistance because the person has been convicted of a drug-related felony as described in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, Section 115, 110 Stat. 2105.

[2009, c. 291, §2 (AMD) .]

SECTION HISTORY

1971, c. 463, §1 (RPR). 1973, c. 183, (AMD). 1973, c. 314, (AMD).
1973, c. 674, §1 (RPR). 1975, c. 293, §4 (AMD). 1977, c. 462, (RPR).
1979, c. 386, (AMD). 1981, c. 136, (AMD). 1981, c. 703, §A21 (AMD).
1991, c. 9, §K1 (AMD). RR 1993, c. 2, §14 (COR). 1995, c. 418, §A4
(AMD). 1999, c. 637, §1 (AMD). 2001, c. 598, §1 (AMD). 2009, c. 291,
§2 (AMD). 2011, c. 687, §10 (AMD). RR 2015, c. 1, §20 (COR).

§3104-A. FOOD SUPPLEMENT PROGRAM FOR LEGAL ALIENS

1. Food assistance. The department shall provide food assistance to households that would be eligible for assistance under the federal Food Stamp Act of 1977, 7 United States Code, Section 2011 et seq. and under the federal Food and Nutrition Act of 2008 but for provisions of Sections 401, 402 and 403 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 that are receiving food assistance under this subsection as of July 1, 2011. Any household receiving assistance as of that date may continue to receive assistance, as long as that household remains eligible, without regard to interruptions in coverage or gaps in eligibility for service. A noncitizen legally admitted to the United States who is neither receiving assistance on July 1, 2011 nor has an application pending for assistance on July 1, 2011 that is later approved is not eligible for food assistance through a state-funded program unless that noncitizen is:

A. Elderly or disabled, as described under the laws governing supplemental security income in 42 United States Code, Sections 1381 to 1383f (2010); [2011, c. 380, Pt. KK, §1 (NEW).]

B. A victim of domestic violence; [2013, c. 368, Pt. OO, §1 (AMD).]

C. Experiencing other hardship, such as time necessary to obtain proper work documentation, as defined by the department by rule. Rules adopted by the department under this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A; or [2013, c. 368, Pt. OO, §1 (AMD) .]

D. Unemployed but has obtained proper work documentation, as defined by the department by rule. Rules adopted by the department under this paragraph are routine technical rules as defined by Title 5, chapter 375, subchapter 2-A. [2013, c. 368, Pt. OO, §2 (NEW).]

[2013, c. 368, Pt. OO, §§1, 2 (AMD) .]

2. Amount of assistance. The total amount of food assistance provided under this section must equal the amount that the household would be eligible to receive under the federal Food Stamp Act of 1977, 7 United States Code, Sections 2014 and 2017 and under the federal Food and Nutrition Act of 2008 if the household were eligible for either of those programs.

[2009, c. 291, §3 (AMD) .]

3. Administration. The department shall provide assistance under this section to eligible households on a monthly basis through an electronic benefit transfer system.

[2009, c. 291, §3 (AMD) .]

4. Repeal.

[1999, c. 401, Pt. S, §2 (RP) .]

SECTION HISTORY

1997, c. 731, §1 (NEW). 1997, c. 731, §3 (AFF). 1999, c. 401, §S2 (AMD). 2009, c. 291, §3 (AMD). 2011, c. 380, Pt. KK, §1 (AMD). 2013, c. 368, Pt. OO, §§1, 2 (AMD).

§3105. VOCATIONAL REHABILITATION

(REPEALED)

SECTION HISTORY

1975, c. 771, §224 (AMD). 1977, c. 78, §149 (AMD). 1989, c. 700, §A78 (AMD). 1993, c. 708, §F2 (RP).

§3106. TELEPHONE SUBSIDIES

The department may participate in the determination of eligibility for various subsidies of telephone costs for low-income people as established by the Public Utilities Commission pursuant to Title 35-A, section 7101. [1987, c. 856, §1 (NEW).]

SECTION HISTORY

1987, c. 856, §1 (NEW).

§3107. WOMEN, INFANTS AND CHILDREN SPECIAL SUPPLEMENTAL FOOD PROGRAM VENDOR, PROVIDER AND PARTICIPANT PENALTIES

The department, as part of its administration of the Women, Infants and Children Special Supplemental Food Program of the federal Child Nutrition Act of 1966, referred to in this section as "the program," shall adopt rules defining prohibited conduct under the program and establishing penalties for such conduct and as necessary to implement this section. After providing an opportunity for a hearing in accordance with Title 5, chapter 375, subchapter 4, 7 Code of Federal Regulations, Section 246.9 (2011), 7 Code of Federal Regulations, Section 246.18 (2011) and any other federal law that applies to adjudicatory proceedings for vendors, providers and participants and making a determination that the affected party has violated a provision of the program, including rules that apply to the program, the department may: [2011, c. 512, §2 (RPR).]

1. Vendors. Assess and impose a fine or penalty against a vendor under the program;

[2011, c. 512, §2 (NEW) .]

2. Providers. Disqualify a local agency provider under the program; or

[2011, c. 512, §2 (NEW) .]

3. Participants. Require repayment of benefits made under the program to a participant or disqualify a participant from program benefits.

[2011, c. 512, §2 (NEW) .]

Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A. [2011, c. 512, §2 (NEW).]

SECTION HISTORY

1989, c. 777, (NEW). 2011, c. 512, §2 (RPR).

§3108. STANDARD UTILITY ALLOWANCE

When the department becomes aware of any decisions made by a public entity or an entity operating a publicly subsidized assistance program that adversely impacts eligibility for, or the amount of assistance to, households receiving assistance under the food stamp program pursuant to section 3104, the department shall work in cooperation with that entity to achieve a resolution that minimizes the adverse impact on households receiving food stamp assistance. [1995, c. 629, §1 (NEW).]

1. Examination of options. When federal law governing either the food stamp program or the Low-Income Home Energy Assistance Program is amended to eliminate the eligibility link whereby the food stamp standard utility allowance is automatically available to households receiving low-income home energy assistance benefits, the department shall immediately:

- A. Examine and, if feasible, seek a waiver or grant of demonstration authority from the federal Department of Agriculture to continue to use the food stamp standard utility allowance in determining the amount of food stamp benefits available to households that previously qualified for that allowance solely by reason of receipt of low-income home energy assistance benefits; [1995, c. 629, §1 (NEW).]
- B. Determine, in cooperation with all appropriate entities operating publicly subsidized housing programs, a method of providing individualized bills or appropriate documentation for tenants in subsidized housing that would identify the tenants' shares of incurred heating costs, if doing so would qualify these tenants for the food stamp standard utility allowance; [1995, c. 629, §1 (NEW).]
- C. Determine if federal law would permit the use of the standard utility allowance by households that previously qualified for that allowance solely on the basis of receipt of low-income home energy assistance benefits and implement that section of law if doing so would not result in any increase in the households' rent and energy costs or any reduction in food stamp allotments to either those households or any other households receiving food stamp assistance; and [1995, c. 629, §1 (NEW).]
- D. If none of the alternatives listed in paragraphs A to C result in making the food stamp standard utility allowance available to households that had received it before the change in federal law, immediately estimate the General Fund cost of providing allotments to affected households in an amount equal to the amount they would have received had the federal law not been amended, and promptly provide that information to the joint standing committee of the Legislature having jurisdiction over human resources matters. [1995, c. 629, §1 (NEW).]

[1995, c. 629, §1 (NEW).]

2. Notice. The department shall provide prompt written notice to households affected by any change in federal law related to the eligibility link between the food stamp program and the Low-Income Energy Assistance Program, or by any waiver received pursuant to this section, of the steps that households may take to gain eligibility for the food stamp standard utility allowance.

[1995, c. 629, §1 (NEW).]

3. Waiver. The department shall immediately seek a waiver or demonstration authority to operate a demonstration project from the federal Department of Agriculture that would make the food stamp standard utility allowance available to households that incur a heating or cooling cost separate from their rent or mortgage, even if those bills are not based on actual usage as determined by individualized metering.

[1995, c. 629, §1 (NEW) .]

4. Revised waiver application. When federal approval for the waiver or demonstration authority described in this section is not granted, the department may submit a revised waiver request to accomplish the objectives of this section as fully as possible.

[1995, c. 629, §1 (NEW) .]

5. Limitation. This section must be implemented within the limits of the department's existing General Fund resources.

[1995, c. 629, §1 (NEW) .]

SECTION HISTORY

1995, c. 629, §1 (NEW) .

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